

Date: 23 November 2021
Our ref: Case: 10571 Consultation: 375471
Your ref: EN010077 East Anglia ONE North (EA1N)



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BY EMAIL ONLY

Dear Gareth

East Anglia ONE North – Secretary of State Request for Updates and Further Information 02 November 2021.

Natural England's remit is to ensure sustainable stewardship of the land and sea so that people and nature can thrive. We are working to achieve a healthy and biodiverse marine environment which can enable a truly sustainable UK offshore wind sector, to support the achievement of 'net zero' and address the climate change emergency. This is underpinned by our vision for thriving marine and coastal nature alongside low impact offshore wind energy, tackling both climate and biodiversity emergencies as set out in our [Approach to Offshore Wind](#). Aligned to the four aims of our Approach, we use our expertise to help facilitate offshore windfarms that are sensitively located and constructed, whilst protecting marine ecosystems from proposals with significant environmental impacts through our statutory advice. This, coupled with mechanisms for nature enhancement, will allow marine nature recovery and help mitigate the negative impacts of climate change.

On the 2nd November 2021, the Secretary of State (SoS) provided written request for Natural England to provide further information or update with regard to East Anglia ONE North in relation to:

- The prospect of being able to issue a draft Letter of No Impediment (LONI) for badgers
- The option of a LONI for great crested newt (GCN)
- The offshore ornithology cumulative and in-combination collision risk and displacement update submitted by the Applicant at Deadline 13
- The Outline Landscape and Ecological Management Strategy (OLEMS) submitted by the Applicant at Deadline 13

Natural England provides the following statutory advice to the SoS and BEIS for consideration. Please note, the advice within this letter document is applicable to both the East Anglia ONE North (EA1N) and

East Anglia TWO (EA2) applications and is endorsed with the yellow (EA1N) and blue (EA2) icons, consistent with the documents submitted throughout examination. In addition, Natural England also requests the right to respond to the Applicant's update and clarifications to items within this letter.

1. Summary of Natural England's Advice:

Natural England advises that post examination we have continued to work with the Applicant towards progressing appropriate draft wildlife licence applications for badgers and great crested newt (GCN). As such, a draft LONI for badgers was issued to the Applicant on 04 August 2021. However, this included several requests to be included within the method statement, as agreed with the Applicant, and these are detailed in point 2 below.

On 10 November 2021, we advised the Applicant that their application for a draft GCN LONI was not successful; this decision was based on the insufficiency of survey data. Following subsequent engagement with the Applicant, Natural England received a formal District Level Licence (DLL) GCN application on 23 November 2021.

With progression of these onshore wildlife licences post examination, Natural England continues to advise any associated licence requirements will need to be incorporated into the OLEMS and associated plans accordingly.

In addition, Natural England notes the OLEMS was updated at Deadline 13 [\[REP13-007 clean\]](#) and [\[REP13-008 tracked\]](#) with a commitment to reduce the number of trees to be removed immediately adjacent ('within 5m') to the west bank of the Hundred River as part of the cable installation. Whilst Natural England welcomes this commitment and, as advised at Deadline 13 [\[REP13-050\]](#), additional information and commitments should be included within the OLEMS on further enhancements/mitigation measures which should be provided as a result of any impacts to this area of woodland adjacent to the Hundred River.

Natural England notes the Applicant's incorrect figures for herring gull and great black-backed gull, as advised at Deadline 12 [\[REP12-090\]](#), were still included in the Applicant's Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update at Deadline 13 [\[REP13-019\]](#). However, this does not alter our main concerns and these remain unchanged.

2. Draft Letter of No Impediment (LONI) for Badgers

Natural England can confirm that, following the Applicant's second draft application of the 28 June 2021, a draft LONI for badgers was issued to the Applicant on the 04 August 2021. It is our understanding that the Applicant intends to submit the LONI as part of their response to the Secretary

of State's consultation.

As stated in our letter dated 04 August 2021 (NE Ref 2021-51755-NSIP1 A001011 / 10571 / 361556), Natural England foresee no impediment to a licence being issued for badger, should the DCO be granted for East Anglia ONE North.

However, several issues were identified with the draft Method Statement that we highlighted need to be addressed before the licence application for badgers is formally submitted. These were discussed with the Applicant via e-mail correspondence on 28 July 2021, after which it was confirmed by the Applicant via e-mail on 04 August 2021 that the necessary amendments would be made.

For your awareness Natural England advised the Applicant that the Method Statement is revised to include:

- Evidence of the named ecologist's experience in relation to artificial sett construction.
- Updated badger surveys of the site, including previously un-surveyed land within and abutting the DCO boundary, which will be impacted by the development.
- In the event main sett 33b will be lost, additional details regarding the final location of an artificial sett, including supporting information from any bait survey conducted, will be required.
- Details of the location of the proposed two-way badger gates along the perimeter fence, in relation to badger runs / pathways identified during surveys.
- Consideration must be given to the additional recommended mitigation, as provided in the accompanying advice letter, in relation to the location of soil storage areas, clearance of vegetation and the presence of livestock susceptible to badger borne disease within 2km of the project.

Finally, should the DCO be granted, the draft badger LONI outlined the next steps required for the formal badger mitigation licence application to Natural England.

3. Draft Letter of No Impediment (LONI) for Great Crested Newt (GCN)

Following review of the second draft application of the 09 September 2021, the Applicant was informed (by letter dated 10 November 2021, NE Ref 368203 SPR Ref: 2021-51740-EPS-NSIP1), that Natural England is unable to provide a draft LONI for GCN. This is mainly due to outstanding uncertainties with survey data, particularly regarding the timing of the most recent surveys and contradictory evidence to support the application. In addition, the scale and magnitude of mitigation measures required to address these uncertainties would need to be considerably more. But, nonetheless both District Level Licencing (DLL) and Licencing Policy (LP4) remained suitable options for the Applicant to resolve this issue.

Natural England was subsequently advised by the Applicant that they wish to proceed with the option for DLL. Following recent engagement with the Applicant to discuss the requirements for this option, Natural England formally received a GCN DLL enquiry on 23 November 2021.

Natural England advises that once secured the awarded Impact Assessment and Conservation Payment Certificate can be recognised as being the DLL equivalent of a LONI. This is reflected in Planning Inspectorate (PINS) [Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning](#):

Strategic protected species licensing

Where strategic approaches such as district licensing for great crested newts are used a LONI will not be required. The developer will need to provide evidence to the ExA on how and where this approach has been used in relation to the proposal which may include a quotation from Natural England. A certificate will be issued by the habitat delivery body when compensation habitats are available.

4. The Offshore Ornithology Cumulative and in-Combination Collision Risk and Displacement Update Submitted by the Applicant at Deadline 13

Natural England's main concerns with the Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement Update remain unchanged. These were outlined within our Deadline 13 response [\[REP13-048\]](#) at the end of examination.

However, of note, the points we raised in paragraphs 22 and 23 [\[REP13-048\]](#) regarding the Applicant's incorrect figures for herring gull and great black-backed gull were still included in the Applicant's Deadline 13 update [\[REP13-019\]](#):

- Para 22: For Herring gull, the Applicant's figures are incorrect. As stated in [REP12-090](#) Natural England's figure of 28 collisions per annum is for the 150 turbines layout at East Anglia One, whereas the Applicant uses the figure of 19 collisions per annum from the 102 turbine layout.
- Para 23: For Great black-backed gull an error was noted in the previous cumulative collision risk presented by the Applicants in Table A0.5 of [REP11-027](#) for Hornsea 4 – the annual total should be 16.6 rather than 13.6 as presented (3 collisions in the breeding season + 13.6 collisions in the non-breeding season = annual total of 16.6). Therefore, we have included this correction in our calculations which gives a total of 1,003 collisions for all projects including DEP & SEP and Hornsea 4.

Natural England notes that the Secretary of State has requested that the Applicant provides an updated Offshore Ornithology Cumulative and In Combination Collision Risk and Displacement assessment, which includes the correct in-combination mortality figures for herring gull, greater black-backed gull and gannet by 30th November 2021. Therefore, Natural England requests the right to respond to the Applicant's update and clarifications on this matter.

5. The Outline Landscape and Ecological Management Strategy (OLEMS) Submitted by the Applicant at Deadline 13

Natural England has reviewed the updates to Version 7 of the Outline Landscape and Ecological Management Strategy (OLEMS) submitted by the Applicant at Deadline 13 [\[REP13-007 clean\]](#) and [\[REP13-008 tracked\]](#) and provide the following formal statutory advice:

- Para 200: Natural England notes the Applicant's intention to retain trees along the western bank of the Hundred River within the project working area, other than the area where cables are to be installed or unless removal is required for safety reasons. While we welcome this outlined commitment within the OLEMS to reduce impacts to this woodland habitat, we request that further information is submitted as to how further enhancements/mitigation will be provided as a result of any impact to this area of woodland adjacent to the Hundred River. Please see Natural England's Deadline 12 response to the Hundred River Ecology survey report [\[REP12-091\]](#) and our position summary at Deadline 13 [\[REP13-050\]](#).

Section 6.6 Badgers: Following the issue of a draft LONI, Natural England advise the OLEMS and associated plans should be updated to reflect the requirements as outlined within the draft LONI issued on 04 August 2021 (detailed above).

- Section 8.6 Great Crested Newt: If the DLL application is successful, Natural England advise that the OLEMS and any associate plans is updated by the Applicant with any requirement as part of the licencing process.

If there are any aspects of our advice that require clarification, please contact me using the details provided below.

Yours sincerely

Helen Mann
Marine Lead Adviser – Norfolk and Suffolk Team

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